

Action asserts that the specification fails to teach how to make the embodiment according to claim 17. The embodiment according to claim 17 is clearly exemplified in Fig. 13 and 14 and the description thereof. For instance,

the first holding element can be reference numeral 21,
the second holding element can be reference numeral 27,
the third holding element can be reference numeral 28, and
the fourth holding element can be reference numeral 26.

Claims 12, 14, 15 and 18 were rejected as anticipated by Koch (US 5,533,702) because the Office Action asserts that Koch teaches a first holding element 17 and a second holding element 29 having a protruding section 30 (the back apex of element 29) (see Fig. 2, a perspective view of a paper holder; Fig. 2, a front view of the paper holder; and Fig. 4, a back view of the paper holder; column 2, lines 40-42).

Koch teaches a paper holder 1 (column 3, lines 2 and 14-16; Fig. 1-4). The outline of the paper is indicated by the dot-dashed lines of 2 (column 3, line 1; Fig. 1). There is a U-shaped opening 27 in the body 15 (column 3, lines 36-37). The projection 29 extends from the body 15 partially into opening 27 (column 3, lines 37-39). The projection 29 corresponds to the second holding element of the holding device of claim 12. The body 15 corresponds to the first holding element in claim 12 with the space 27 dividing the body 15 into two bearing zones. The projection 29 is coplanar with the body 15 and the projection 29 terminates in an outturned free end 30 (column 3, lines 38-40; Fig. 2). Because the projection 29 is coplanar with the body 15, a part of the projection 29 overlaps with a part of the body 15 when viewed laterally from the side. The free



end 30 of the projection 29 also creates a space to be inserted with the top part of the space wider than the base of the space. When the paper holder of Koch is mounted at the top of the monitor of a computer as in Fig. 1 of Koch, the body 15 and the projection 29 appear to tilt backward with the projection 29 tilting backward to a lesser degree than the body 15.

Claim 12 has been canceled and incorporated with the subject matter of Claim 14 into new Claim 19. Claim 15 has been re-presented as Claim 20. Claim 18 now depends from new Claim 19.

Claim 19 is not anticipated by Koch because the body 15 of Koch, which corresponds to the first holding element of the present invention, can form a curved body but does not have two plane surfaces delineating between them, at the base of the space, an obtuse angle. This is clearly claimed. That is, Claim 19 is distinguished from Koch (US 5,533,702) because the first holding element 1 of Koch is either lacking two bearing zones when the element 1 is planar (see Fig. 2) or lacking two individually planar bearing zones forming an obtuse angle having an apex directed towards the back when the element 1 is curved (see Fig. 1).

Claim 18 is not anticipated by Koch because Koch does not teach that the paper holding device of Koch allows a paper sheet to be inserted to obtain a backward tilt of 65°.

Claims 12, 14, and 18 were rejected as anticipated by JP 63-23169 (hereinafter referred to as JP '169). The Office Action asserts that JP '169

discloses a paper holder comprising a first holding element 4 having two bearing zones 4a, a second holding element 5 with a protruding section 8 (Fig. 9). Fig. 9 does not show that holding element 5 is inclined less than holding element 4. However, claim 1 of JP '169 states that one surface of a groove for holding paper is inclined less than the other surface. Fig. 3 also appears to show that the front holding element 5 is inclined slightly less than the back holding element 4.

Claim 19 is distinguished from JP 63-23169 because we can argue that the first holding element 4 of JP 63-23169 does not have two individually planar bearing zones forming an obtuse angle.

Claim 18 is not anticipated by JP '169 because JP '169 does not teach that the paper holding device of JP '169 allows a paper sheet to be inserted to obtain a backward tilt of 65°.

Claims 12-14, 16 and 18 were rejected as anticipated by Hiromori (US 5,667,183).

Hiromori discloses a paper holder comprising a first holding element 3 having a concave holding surface 10b at the front end, a second holding element 2 having a convex holding surface 10a at the back end with the convex holding surface 10a in combination with the holding surface 10b to form a holding part 10 for holding a sheet of paper, wherein the first holding element 3 pivots on an axis 5 and wherein the rear end of the first holding element 3 is connected to the base 6, 16 or 26 via a spring 14 or 24, i.e. a compressible element (Fig. 1, 2 and 4-7; column 3, lines 51-

61).

Claim 13 has been rewritten into independent format.

Fig. 3 of Hiromori shows that the convex holding surface 10a (which corresponds to the protruding portion of the second holding element 2 in the present invention) of the second holding element 2, as well as the concave holding surface 10b of the first holding element 3, are tilted backward with the convex holding surface 10a tilted less than the concave holding surface 10b by an angle α (see column 4, lines 13-15).

Hiromori differs from claim 13 at least in four regards.

(1) The first holding element 10 of Hiromori does not have two bearing zones (see Fig. 2 which shows that the first holding element 10 of Hiromori has a smooth curvature).

(2) The first holding element 10 of Hiromori does not have a recess between two bearing zones.

(3) The first holding element 10 and the second holding element 2 of Hiromori are tilted backward by the same angle, while claim 13 requires that the protruding section of the second holding element tilting backward to a lesser degree than the bearing zones of the first holding element.

(4) The holding element 10 of Hiromori is always a mobile element, whereas, in the invention, this configuration is only an optional one as defined by amended claim 16.

Hiromori fails to teach every limitation of claim 13. Claims 14 and 15 depend on claim 13.

Claim 19 contains the subject matter of Claim 14 rewritten into independent format. Claim 19 is novel over Hiromori because Hiromori does not teach every limitation of claim 19 (please refer to the first and third differences noted above between Hiromori and claim 13).

Similarly, claim 16 was rejected over Hiromori only. Claim 16 has been rewritten to be independent.

Claims 12 and 17 were rejected as anticipated by Slavsky (US 4,882,862).

Slavsky discloses a clip for mounting cards upon the edges of a container. The clip comprises a first holding element 22 having two bearing zones, a second holding element 23 forming a space for the insertion of a card, wherein the second holding element 23 has two protruding portions 27 (see Fig. 7 and 8). The first and second holding elements 22, 23 are both tilted backward with the second holding element 23 tilted less than the first holding element 22 (see Fig. 7).

Claim 17 has been made dependent upon Claim 19.

The clip of Slavsky differs from the paper holder of Claim 17 at least in that the protruding portions 27 of the second holding element 23 do not overlap partially, when viewed laterally, with the first holding element 22.

The references of record fail to teach or suggest a device that is able to

confer upon a paper sheet to be inserted, as curvature which is:

- gradually increasing during the insertion of the paper sheet between the two holding members, and,

- once the sheet is completely inserted between the two paper holding elements or members, is decreasing from a maximum curvature at the lower end of the paper sheet to a minimum curvature at the upper end of the paper sheet which goes along with the automatic creation of two lines of force leading to the upper angles of the paper sheet as described in the specification, on page 3 lines 5 - 10.

Consequently, for all of the above reasons, it is strongly contended that certain clear differences exist between the present invention as claimed and the prior art relied upon by the Examiner. It is further contended that these differences are more than sufficient that the present invention as claimed was not anticipated and would not have been obvious to a person of ordinary skill in the art at the time the invention was made viewing that prior art.

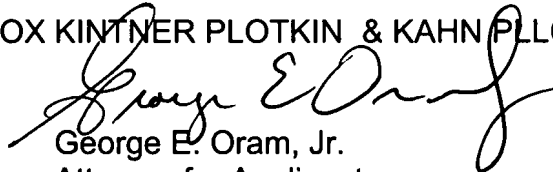
Accordingly, the Examiner is respectfully requested to withdraw the rejection, indicate the allowability of Claims 13 - 20, and pass this case to issue.

In the event this paper is not considered to be timely filed, the applicant respectfully

petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees that may be due with respect to this paper may be charged to Counsel's Deposit Account No. 01-2300.

Respectfully submitted,

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